

Serial No.: 10/632,051
Docket No.: ST02009CIP1 (245-US-CIP1)RECEIVED
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Currently, claims 1-33 are pending in the present application. Applicant is amending independent claims 1, 8, 14, 22, and 28. Applicant believes that the amendments contained in this Office Action Response add no new matter.

Response to 35 U.S.C. §102(e) Rejection

The Examiner rejected claims 1-3 and 5-12 under 35 U.S.C. 102(e) as being anticipated by Kerth et al. (US 2002/0132648). The Examiner cited FIGs. 9-10, paragraphs [0094], [0095], and [0103]-[0105] of the Kerth et al. patent for a description of a power control message from the baseband section to the RF section. But, the power-down or serial interface mode as described in the Kerth et al. patent only is describing different modes of operation (i.e. providing the configurable serial interface signal lines). The Kerth et al. patent does not suggest or teach using their power-down (PDNB) signal to change the power consumption of the RF section or the receiver as claimed by the Applicant in the amended independent claims.

Response to 35 U.S.C. §103 Rejection

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

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In the pending Non-Final Office Action, the Examiner rejected claims 4 and 13 as being obvious over Kerth et al. in view of Molnar (US 2002/0142741); claims 14-20 and 22-33 as being obvious over Kerth in view of Syrjarinne et al. (US 2003/0107514). Applicants respectfully submit that the combination of Kerth and Molnar or Syrjarinne et al. fails to teach or suggest the subject matter recited.

As explained above, the Kerth et al. patent fails to suggest or teach a power control message from the baseband section to the RF section that is associated with the power consumption of the RF section as claimed by Applicant. Thus, the combination of Kerth et al. and Molnar or Syrharinne et al. also fails to describe all the elements contained in Applicant's claims.

Similarly, if all the elements are not contained in the combined references, there can be no suggestions to combine the references and if an attempt is made to combine the cited references there is no likelihood for success.

In summary, the combination of the above references does not meet the three basic criteria to establish a *prima facie* case of obviousness and Applicant respectfully submits that claims 4, 13-20 and 22-23 are now in condition for allowance.

Allowable Subject Matter

Applicant acknowledges and thanks the Examiner for finding allowable subject matter in dependent claim 21.

Double Patenting Rejection

The Examiner rejected claims 1, 6-10, 14-15, 20-23, and 28-29 provisional on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-60 of a copending Application No. 10/369,853. At this time, no terminal disclaimer is being submitted

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because the claims have been independent claims have amended in the current case. Applicant believes the claims as now presented overcome the obviousness-type double patenting.

The Examiner also rejected claims 2-5, 11-13, 16-19, 24-27, and 30-33 provisionally on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-60 of a copending Application No. 10/369,853 in view of Syrjarinne et al. No terminal disclaimer is being submitted and Applicant believes the claims as now presented in the current application overcome the obviousness-type double patenting of the 10/369,853 patent and thus overcomes the combination of the 10/369,853 patent with the Syrjarinne et al. patent.

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Conclusion

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In view of the foregoing discussion and the terminal disclaimer, Applicants respectfully submits that claims 1-33 as now presented are in a condition for allowance, for which action is earnestly solicited.

Respectfully submitted,

By Gregory B. Gulliver
Attorney for Assignee
Gregory B. Gulliver, Reg. 44,138
Phone: (847) 282-3551
Fax: (818) 332-4205